

THIRTY-SIXTH DAY.

(Tuesday, March 9, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Neal.

Message From the Governor.

A Secretary of the Governor was recognized to present the following message from the Governor, which was read by the Secretary and was referred by the President Pro Tempore to the Committee on Nominations of the Governor:

Austin, Texas, March 9, 1937.

To the Senate of the 45th Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of the State Board of Education:

Dr. J. C. Blair, of Kerens, Navarro County, to succeed F. L. Henderson, of Bryan, for the six year term beginning January 1, 1937.

D. F. Youngblood, of San Antonio, Bexar County, to succeed J. O. Guleke, of Amarillo, for the six year term beginning January 1, 1937.

To be Associate Justice of the Court of Civil Appeals for the 7th

Supreme Judicial District of Amarillo:

W. N. Stokes, of Vernon, Wilbarger County, to succeed A. B. Martin, resigned, effective March 11, 1937.

To be Judge of the 46th Judicial District:

C. Y. Welch, of Quanah, Hardeman County, to succeed W. N. Stokes, resigned, effective March 11, 1937.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Reports of Standing Committees.

Reports on Senate Bills Nos. 393, 337, 418, 9 and 117, on House Bills Nos. 353 and 271 and on S. J. R. No. 2 and S. J. R. No. 15 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Resolution No. 43.

Senator Stone offered the following resolution:

Whereas, The Land Utilization Division of the Resettlement Administration has some ninety-eight (98) Land Use projects throughout the United States and the State of Texas has been granted only one such project; and

Whereas, There is a large body of eroded and devastated land in Bastrop County known as the Lost Pine area that should be developed by reforestation and also as a recreation area and wild life sanctuary; and

Whereas, Our late beloved Congressman, James P. Buchanan, asked the Resettlement Administration for funds to purchase and develop this area; therefore, be it

Resolved, That we ask the Resettlement Administration to allocate such amount necessary to purchase and develop the Lost Pine area and such government-owned and developed area be known as the Buchanan Lost Pine Project in honor of the late Congressman Buchanan. Be it further

Resolved, That copies of this resolution be forwarded to the President of the United States and a copy to each Texas Senator and to each Texas Congressman.

The resolution was read and was adopted.

**Committee Substitute for Senate Bill
No. 99 On Second Reading.**

On motion of Senator Small and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 99, A bill to be entitled "An Act making appropriations to certain State educational institutions, etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Roberts offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 99 by striking out subsections L, M, N, O, and P, in section one of the bill.

Question—Shall the amendment be adopted?

**Senate Concurrent Resolution
No. 44.**

Senator Hill, by unanimous consent, offered the following resolution:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the joint rules of the 44th Legislature be adopted as the joint rules of the 45th Legislature.

HILL,
HEAD.

The resolution was read and was referred by the President Pro Tempore to the Committee on Rules.

Senate Resolution No. 44.

Senator Collie, by unanimous consent, offered the following resolution:

Whereas, A group of high school students composing the senior class of the Clyde Texas High School is now in the Capital City to see places of interest, and to observe the Legislature of Texas in session; Now, therefore, be it

Resolved, That they be invited to visit the Senate, and be extended the courtesies and privileges of the floor and be invited to address the Senate at their convenience.

The resolution was read and was adopted by unanimous consent of the Senate.

Senate Resolution No. 45.

Senator Collie, by unanimous consent offered the following resolution:

Whereas, A distinguished group of women, members of the Federated Garden Club of Texas, and their friends from the Garden Clubs of neighboring States, are visiting in the City of Austin to see places of interest, and are now in the Capitol; now, therefore, be it

Resolved, That they be invited to visit the Senate and be extended courtesies of the floor and be invited to address the Senate at their convenience.

The resolution was read and was adopted by unanimous consent of the Senate.

Accordingly, the President Pro Tempore appointed Senators Rawlings, Oneal and Collie to escort Mrs. Henry Trigg and Mrs. Ben G. Oneal, officers of the Federated Garden Club, to the President's stand.

The President Pro Tempore presented Senator Rawlings who in turn presented Mrs. Henry Trigg to the Senate.

Mrs. Trigg addressed the Senate briefly.

Message from the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 347, A bill to be entitled "An Act prohibiting a freight train to consist of more than seventy cars exclusive of caboose, to be run on any Texas railroad; prohibiting a passenger train to consist of more than fourteen cars to be run on any Texas railroad; providing for a penalty for violation of laws, and declaring an emergency."

H. C. R. No. 55, In memory of J. K. Freeman of Cameron, Milam County.

The House has refused to concur in Senate Amendments to House Bill No. 150 by a viva voce vote and re-

quests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Quinn, McDonald, Hankamer, Metcalfe, Nicholson.

The House has passed the following bill and resolution:

S. C. R. No. 43.—In memory of J. K. Freeman of Milam County.

H. B. No. 36, A bill to be entitled "An Act amending Article 752 of Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 15 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature; and amending Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 16 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature, and declaring certain legislative intent in respect to this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Committee Substitute for Senate Bill No. 99 on Passage to Engrossment.

The Senate resumed consideration of pending business, same being C. S. for S. B. No. 99, on its passage to engrossment, the bill having been read second time today; with amendment offered by Senator Roberts pending.

Question recurring on the amendment of Senator Roberts, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—9.

Beck.	Redditt.
Davis.	Roberts.
Holbrook.	Small.
Isbell.	Weinert.
Pace.	

Nays—18.

Aikin.	Neal.
Brownlee.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Stone.
Head.	Van Zandt.
Hill.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.

Present—Not Voting.

Spears.

Absent.

Rawlings.

Sulak.

Shivers.

Senator Collie offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 99 by adding another Section as follows:

Q. To Haskell Independent School District, Haskell County, Texas, for the purpose of furnishing and equipping high school building that was destroyed by fire March 19, 1936. \$5,000.00.

The amendment adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 99 by adding thereto a new section as follows:

To the Equalization Fund in any county of over 350,000 population according to the last preceding or future Federal census, there is hereby appropriated the sum of \$19,000.

Senator Van Zandt moved to table the amendment, and the motion to table was lost.

The amendment was adopted.

Senator Woodruff offered the following amendment to the bill:

Amend S. B. No. 99 by striking out the item for Texas State College for Women, subsection H, Section 1, and insert in lieu thereof the following:

To Texas State College for Women for General Repairs, Maintenance and Support, \$96,000.00.

(Senator Van Zandt in the Chair.)

Question—Shall the amendment be adopted?

Senate Concurrent Resolution No. 45.

Senator Lemens, by unanimous consent offered the following resolution:

S. C. R. No. 45, Authorizing the use of certain highway equipment by the Adjutant General's Department.

The resolution was read.

On motion of Senator Lemens, and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was

suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Motion to Set Senate Bill No. 4 as Special Order.

Senator Davis moved that S. B. No. 4, relating to soil conservation, be set as a special order for next Tuesday, March 16, 1937, immediately after conclusion of the morning call.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18.

Aikin.	Pace.
Brownlee.	Rawlings.
Collie.	Small.
Davis.	Stone.
Hill.	Sulak.
Lemens.	Weinert.
Neal.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Nays—11.

Beck.	Moore.
Burns.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Holbrook.	Van Zandt.
Isbell.	

Absent.

Nelson. Spears.

In Memory of Hon. J. K. Freeman.

By unanimous consent of the Senate, the Presiding Officer laid before the Senate, for consideration at this time, the following resolution:

H. C. R. No. 55, In memory of the late Hon. J. K. Freeman of Milam County.

The resolution was read and was adopted unanimously.

(Note.—The text of the resolution is the same as the text of S. C. R. No. 43, adopted by the Senate on yesterday and shown in yesterday's Journal.)

House Bills on First Reading.

The following bills, received from the House today, were read first time, and referred by the Presiding Officer to committees indicated:

H. B. No. 36, to the Committee on Finance.

H. B. No. 347, to the Committee on State Affairs.

Conference Committee on House Bill No. 150.

Senator Shivers moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 150 be granted.

The motion prevailed.

The Presiding Officer announced the appointment of the following Conference Committee on the part of the Senate:

Senators Stone, Shivers, Roberts, Redditt and Beck.

Recess.

On motion of Senator Woodruff, the Senate, at 12:15 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room.

Austin, Texas, March 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 15, A Joint Resolution, Proposing amendment to Section 2 of Article 5 of the Constitution of the State of Texas, so as to provide that the Supreme Court shall consist of a Chief Justice and the following Associate Justices: Until January 1, 1939, two Associate Justices; on and after January 1, 1939, four Associate Justices; on and after January 1, 1941, six Associate Justices; on and after January 1, 1943, eight Associate Justices; with power to call in not more than six Courts of Civil Appeals Judges or District Judges to assist in the work of the Supreme Court if the docket of said Court should at any time become congested; to provide the means of electing said Judges to said Supreme Court, a quorum therein, the number of judges sitting at any one time and their terms of office; and providing for the terms of office of the Com-

mission of Appeals as now constituted, and providing for the termination of such offices; and proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding thereto another Section to be known as Section 6-a, to give the members of the Court of Civil Appeals, when a member of that Court has been called to assist in the work of the Supreme Court, the power to call a District judge from that Supreme Judicial District to take the place of the member of the Court of Civil Appeals while he is serving on the Supreme Court.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 2, A Joint Resolution, Proposing an amendment to Section 9, Article VIII, of the Constitution of the State of Texas, reducing the State tax on property that may be levied by the Legislature for any one year, exclusive of the tax necessary to pay the public debt and exclusive of the tax provided for the benefit of the public free schools and exclusive of the Confederate Pension Tax provided for in Section 51, Article III, of this Constitution, from thirty-five cents on the One Hundred (\$100.00) Dollar valuation to Fifteen Cents on the One Hundred (\$100.00) Dollar valuation; and providing for an election upon such proposed Constitutional amendment, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 337, A bill to be entitled "An Act making an appropriation to pay the increase of salaries to district judges as authorized by H. B. No. 10, Acts of the Regular Session of the Forty-fifth Legislature, and providing for method of payment of such salaries, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 393, A bill to be entitled "An Act making an emergency appropriation to the State Health Department out of the General Fund in the State Treasury, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 353, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1937, to cover the purchase of dip materials, marking paint, salaries of inspectors, salaries of county supervisors, salaries of district supervisors, and traveling expenses, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 271, A bill to be entitled "An Act making appropriations for support and maintenance of summer schools during the summer of the year 1937, at the several State institutions of higher learning in the State of Texas, authorizing the expenditures by said institutions of certain additional amounts from fees collected from summer school students, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, March 8, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 418, A bill to be entitled "An Act making appropriation out of the General Fund of the State of Texas to pay the salaries and expenses of the District Attorney of the 30th Judicial District and the Assistant District Attorney for Archer and Young Counties in the 30th Judicial District, from January 1, 1937, to the end of the fiscal year, August 31, 1937, both days inclusive, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, March 9, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, the majority of your Committee on Insurance, to whom was referred

S. B. No. 117, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, by adding thereto three new Articles to be known as Article 4862c, 4862d and 4862e, said new Articles to provide that all insurance companies issuing or delivering any form of insurance policy in this State, which term shall include surety and fidelity and other forms of bonds written by insurance companies, other than fire, life, tornado, windstorm, hail, automobile, title

and workmen's compensation insurance policies, shall file with the commission its classification of risks and premium rates or schedules of rates; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, March 9, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 9, A bill to be entitled "An Act to amend Article 4913 of Chapter 10 of Title 78, Revised Civil Statutes of Texas, 1925, by adding provision that all policies of Workmen's Compensation Insurance shall contain endorsement as to the method of determining dividends and assessments, if any, prohibiting more than one plan of operation by any one company or association, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate that the motion to report the bill favorably with recommendation that it do pass failed of passage.

COLLIE, Chairman.

Committee Room,
Austin, Texas, March 8, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 410 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 8, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 416 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 8, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 411

carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 8, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 419 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 8, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 304 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Bills Filed With the Secretary of State.

Department of State,
State of Texas.

Austin, Texas, March 9, 1937.
Hon. Bob Barker, Secretary of the
Senate.

Dear Sir: I hereby submit that the following bill was the only legislative enactment filed in this office Monday, March 8, 1937:

S. B. No. 104:
Vote in the Senate: Yeas 28,
nays 0.
Vote in the House: Yeas 127,
Nays 2.
Signed by the Governor: March
8, 1937.

Very truly yours,
EDWARD CLARK,
Secretary of State.
By: M. E. SANDLIN,
Assistant Secretary of State.

THIRTY-SIXTH DAY (Continued).

(Wednesday, March 10, 1937.)

The Senate met at 10:00 o'clock a. m. and was called to order by the President Pro Tempore.

Executive Session.

Senator Oneal asked unanimous consent of the Senate that the hour of 10:04 o'clock a. m. today be set as the time for the Senate to go into

Executive Session for the purpose of considering certain nominations submitted by the Governor.

There was no objection offered, and it was so ordered.

Accordingly, at 10:04 o'clock a. m., the president Pro Tempore ordered the floor of the Senate chamber cleared of all persons not entitled to attend the Executive Session and instructed the Sergeant-at-Arms to keep closed all doors leading from the chamber.

At the conclusion of the Executive Session, the Secretary of the Senate informed the Journal Clerk that he had no report to make with respect to proceedings of the Executive Session.

The President Pro Tempore called the Senate to order, as in legislative session, at 10:35 o'clock a. m.

Leave of Absence Granted.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Rawlings.

Senate Concurrent Resolution No. 46.

Senator Redditt, by unanimous consent, offered the following resolution:

Whereas, The Texas Unemployment Compensation Commission was created by the Forty-fourth Legislature at its Third Called Session and, as such, is charged with the duty and authority of administering the Texas Unemployment Compensation Act; and

Whereas, In the administration of its duties the Texas Unemployment Compensation Commission has found it necessary to install certain Addressograph equipment and supplies for the purpose of setting up files and records, pursuant to the provisions of the Texas Unemployment Compensation Commission Act; and

Whereas, At the present time the Texas Old Age Assistance Commission is possessed of certain Addressograph equipment and supplies which have been used for the purpose of setting up files and records pursuant to the provisions of the Texas Old Age Assistance Act; and

Whereas, The use of the said Addressograph equipment and supplies by the Texas Old Age Assistance Commission is completed and will